

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA,)	Case No. 1:19 CR 81
)	
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
-vs-)	
)	<u>MEMORANDUM OPINION</u>
GREGORY C. RAYMORE,)	<u>AND ORDER</u>
)	
Defendant.)	

This case is before the Court on Defendant, Gregory Raymore's Motion for Reduction of Sentence. (ECF# 86). Mr. Raymore filed a previous § 2255 motion to vacate, which was denied. (ECF #68, 74). The Sixth Circuit issued a certificate of appealability and although it has not yet issued a mandate in the case, it did issue an information copy of an Order affirming the denial. (ECF #78, 85). Although he did not label this motion specifically as a §2255 motion, Mr. Raymore is asking his sentencing court to vacate and reduce his sentence, arguing that his prior Ohio aggravated robbery conviction no longer qualifies as a predicate crime of violence under the sentencing guidelines. This motion, therefore, constitutes a second or successive motion to vacate his sentence. (ECF #86). Section 2255 provides that:

A second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain —

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and

convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or

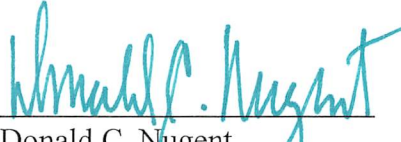
(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

See 28 U.S.C. § 2255(h).

Mr. Raymore has not received authorization from the Sixth Circuit to file this successive § 2255 motion. The motion, therefore, may not be reviewed by the Court at this juncture.

Therefore, the Clerk of Court is directed to transfer Mr. Raymore's instant motion to the Sixth Circuit Court of Appeals pursuant to *In re Sims*, 111 F.3d 45, 47 (6th Cir. 1997).

IT IS SO ORDERED.


Donald C. Nugent
United States District Judge

Date: _____

June 23, 2023